

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 06-262 (JRT/SRN)

Plaintiff,

v.

ORDER

ABDEL-ILAH ELMARDOUDI,

Defendant.

William H. Koch, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, for plaintiff.

Douglas B. Altman, **ALTMAN & IZEK**, 901 North Third Street, Suite 140, Minneapolis, MN 55401, for defendant.

In an Order dated August 2, 2006, this Court granted defendant Abel-Ilah Elmardoudi's Motion to Dismiss on Speedy Trial Act and United States Constitutional Violations, and dismissed without prejudice the superseding indictment against defendant. *United States v. Elmardoudi*, Criminal No. 01-52, 2006 U.S. Dist. LEXIS 53887 (D. Minn. Aug. 2, 2006). The prosecution has since filed a new indictment. Currently before the Court is defendant's motion to dismiss indictment for violation of Speedy Trial Act and United States Constitution. The Court construes this as a motion to dismiss the indictment with prejudice, and denies the motion for the reasons set forth in the Order dated August 2, 2006, which is attached hereto as Exhibit A.

Based on the foregoing and all of the records, files, and proceedings herein, **IT IS**
HEREBY ORDERED that defendant's motion to dismiss the indictment with prejudice
[Docket No. 13] is **DENIED**.

DATED: August 28, 2006
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge